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SIPDIS

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STATE FOR AF/SPG, PRM, AND ALSO PASS USAID/W  
USAID FOR DCHA SUDAN TEAM, AFR/SP  
NAIROBI FOR USAID/DCHA/OFDA, USAID/REDSO, AND FAS  
GENEVA FOR NKYLOH  
NAIROBI FOR SFO  
NSC/AFRICA FOR TSHORTLEY  
USUN FOR TMALY  
BRUSSELS FOR PLERNER

E.O. 12958: N/A

TAGS: [EAID](#) [PREF](#) [PGOV](#) [PHUM](#) [SOCI](#) [SU](#) [AU](#)

SUBJECT: DARFUR - PROTECTION RECOMMENDATIONS FOR AN ENHANCED AFRICAN  
UNION MISSION

REF: A) KHARTOUM 2489, B) KHARTOUM 1912, C) KHARTOUM 2165, D) ADDIS

ABABA 2775, E) KHARTOUM 0539, F) KHARTOUM 2367

KHARTOUM 00002602 001.2 OF 003

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Summary  
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¶1. (SBU) In anticipation of the transition in peacekeeping forces in Darfur either from the African Union Mission in Sudan (AMIS) to a United Nations (UN) force or to an AMIS mission augmented by a package of assistance from the UN, USAID assessed AMIS's performance last year in the protection of civilians. Conclusions drawn from this review point to the need for technical assistance and the provision of personnel that have the capacity to assist AMIS with maximizing the use of its mandate and rules of engagement for protection of civilians; developing rapid-response capacity to address threats to civilian safety in a quick and efficient manner; providing Arabic language capacity to facilitate communication with Sudanese government police, internally displaced persons (IDPs), and other civilian populations; and assisting AMIS with delineating a more limited role in investigating and reporting allegations of violations of human rights and those of International Humanitarian Law, including cases of sexual and gender-based violence. End Summary.

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AMIS' Protection Mandate  
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¶2. (U) AMIS' mandate for the protection of civilians is to investigate and report allegations of violations of the April 2004 Humanitarian Ceasefire Agreement between the Sudanese government and opposition groups in Darfur. In addition, AMIS's mandate is to "contribute to a secure environment" and "protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the Government of Sudan."

¶3. (SBU) The determining factor in how flexibly AMIS carries out this mandate is leadership. According to the UN Mission in Sudan Protection Unit (UNMIS-Protection), AMIS's mandate for protection of

civilians has expanded or retracted according to the motivation of its commanders. Such examples include that of recent attacks on IDP camps in Tawila, literally in the backyard of AMIS' group site, in which AMIS found itself unable to respond due to a "command problem" (Ref A). Conversely, where AMIS leadership has been active and willing to engage communities and explore options to fulfill its mandate, it has been markedly more successful in protecting civilians than in instances where leaders have been less active.

¶4. (SBU) AMIS' three main activities for protection of civilians are patrols, firewood escorts, and investigation of human rights violations. In each of these three activities, AMIS has had a mixed record of success and failure, dependent on the willingness of its leadership to engage and the number of troops on the ground.

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Patrols  
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¶5. (SBU) In the insecure environment of Darfur, AMIS patrols are a core function to provide protection for civilians. Where present, AMIS patrols in and around IDP camps have contributed to the security of the civilian population in the camps. In particular, strong AMIS linkages with the international humanitarian community and service providers, as well as with the civilian population in IDP camps and communities, have significantly increased protection of civilian populations in the camps.

¶6. (SBU) A USAID-funded non-governmental organization (NGO) stated that women's meetings, such as those established in Al Salaam camp in North Darfur around safety and general issues of interest to women, were ways that AMIS established relationships with and gained the trust of individual women and the larger community. These meetings were also an effective means by which AMIS could communicate key safety information to the women regarding firewood escorts and specific areas of insecurity surrounding the camp.

¶7. (SBU) Regrettably, frequent and effective AMIS patrols, as well

KHARTOUM 00002602 002.2 OF 003

as good community relations, are the exception rather than the rule.

One NGO camp coordinator reported that a major constraint is AMIS' fundamental lack of knowledge and understanding of the conflict, the political and humanitarian context in Darfur, and the basic principles of standard humanitarian operating procedures. Other significant constraints include insufficient numbers of protection forces available to escort Civilian Police (CIVPOL) deployments and limited Arabic language capacity (Ref B). Also, due to its own security rules, as well as those imposed by the Sudanese government, AMIS personnel are confined to their camps during the night, which is arguably the most insecure time for civilians, and the time when patrols are most needed. (Comment: In the Darfur Peace Agreement (DPA), the Sudanese government agreed to AMIS 24/7 operations, but AMIS rarely conducts night operations. End comment.) AMIS is also limited by significant resource constraints, such as a lack of night vision equipment, which would reduce the effectiveness of night patrols, if AMIS were to choose to conduct them (Ref A).

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Firewood Escorts  
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¶8. (SBU) AMIS Protection Force and CIVPOL deployments as escorts for civilians gathering firewood was a significant breakthrough in providing tangible physical protection for civilians. According to UN agencies and NGOs, when firewood escorts were regularly and reliably planned with the participation of camp coordinators and the IDPs, particularly women who are the primary collectors of firewood, they were extremely successful and well-received by the IDPs.

¶9. (SBU) However, in recent months, and in particular since the signing of the DPA, firewood escorts that were previously somewhat regular, such as those in Kalma camp in South Darfur, have stopped altogether (Ref C). According to U.S. Military Observers with AMIS, even when they did take place, there were instances where the protection force escort was itself attacked and disarmed by both

IDPs and other armed groups. In other cases, due to insufficient consultation with the local IDP community, IDP communities rejected firewood escorts.

#### ----- Investigations of Human Rights Violations -----

¶10. (SBU) AMIS's mandate includes the investigation of acts of violence or any other abuse on civilian populations committed by parties to the ceasefire agreement. Despite its acknowledgement that heinous crimes have taken place in Darfur (Ref D) and some earnest attempts to address them, AMIS has experienced numerous challenges. AMIS personnel are often confused by the lack of clarity between its role and that of the UNMIS Human Rights Unit (UNMIS-HR) in investigating abuses, in particular those focusing on acts of sexual and gender-based violence. When AMIS does get involved in investigating human rights violations, it often responds inappropriately.

¶11. (SBU) For instance, when conducting investigations, AMIS investigators have frequently breached rules of confidentiality during their investigations by interviewing victims at their homes or in health clinics openly and without the victim's consent. According to UNMIS-HR, AMIS has also published names of victims in their reports and taken photos of victims and then presented them to Sudanese government police, thus further jeopardizing the safety of the victims. Similarly, a USAID NGO partner reported that AMIS has investigated cases of sexual and gender-based violence by pressing national staff, instead of international staff that are less vulnerable to harassment by government authorities, for information on specific cases. Lack of discretion and sensitivity to the victim's need for confidentiality has often led NGO service providers to avoid sharing information with AMIS.

¶12. (SBU) The UN Development Program (UNDP) has developed training programs to build the capacity of AMIS to conduct more effective investigations (Ref E and Ref F). In theory, the training is an excellent idea; however, in practice, there have been significant challenges with its execution. For example, one AMIS CIVPOL trainer in South Darfur noted that many CIVPOL personnel are not even familiar with international policing standards. Another challenge with the training is AMIS's lack of language ability; the training is in English, and one trainer noted that five out of every 20

KHARTOUM 00002602 003.2 OF 003

trainees do not understand English well enough to comprehend any of the training content, and yet they receive the completion certificate anyway. Ongoing training support is needed; trainers trained through the UNDP program will rotate out within the coming months, and currently there are no plans in place to prepare a new set of trainers.

¶13. (SBU) These challenges, as well as significant resource and personnel constraints, point towards the need for AMIS to limit its role in investigating the details of human rights violations and to focus instead on employing a proactive approach to basic fact-finding and referrals. It also indicates the need for international actors to assist AMIS with formalizing some of its current informal arrangements for referring cases to UNMIS-HR and other organizations conducting human rights investigations.

#### ----- Recommendations for an Enhanced UN Peacekeeping Force -----

¶14. (SBU) In advocating for a package of assistance to AMIS, or an enhanced UN peacekeeping force, the U.S. Government (USG) should advocate certain practical measures to strengthen AMIS' performance in the protection of civilians. In particular, an assistance package should:

A) Assist AMIS with clarifying the mandate and rules of engagement to ensure it is capable of maximizing the protection of civilians, including regular patrols and firewood escorts and other means;

B) Encourage stronger AMIS leadership and rapid-response capacity to address threats to civilian safety in a quick and efficient fashion, including a greater quantity of troops, night vision equipment, and protection forces;

C) Provide basic training to AMIS troops in appropriate languages on the basics of the conflict, humanitarian operating procedures, protection, codes of conduct, and principles of neutrality and impartiality that guide humanitarian action;

D) Develop effective civilian-military coordination between AMIS and humanitarian organizations and also IDP and non-IDP communities through Civil Military Coordination training (CMCoord) led by the UN Office for the Coordination of Humanitarian Affairs (OCHA); regular AMIS meetings with the community; and more prominent AMIS humanitarian liaison officers in each of the three Darfur states;

E) Provide Arabic language capacity to facilitate communication with Sudanese government police, IDPs, and other civilian populations to reduce misunderstandings and suspicions and increase AMIS's ability to understand civilian protection needs;

F) Assist AMIS with delineating a more defined role in investigating and reporting allegations of violations of human rights, including cases of sexual and gender-based violence, that constitute ceasefire violations, and with understanding if and when to refer cases to UNMIS-HR for additional follow up; and

G) Standardize procedures for AMIS to augment its role in referring these allegations to specialized national and international organizations with the capacity and resources to protect the safety of the civilian population.

WHITAKER